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IT IS SO ORDERED.

Dated: January 3, 2023



ALAN M. KOSCHIK
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

TOMS KING (OHIO) LLC, *et al.*,¹

Debtors.

-) Chapter 11
)
) Case No. 23-50001 (AMK)
) (Joint Administration Requested)
)
) Judge Alan M. Koschik
)

**ORDER SCHEDULING AN EXPEDITED HEARING ON
FIRST DAY MOTIONS OF THE DEBTORS**

(RELATED TO DEBTORS' MOTION FOR EXPEDITED HEARING; DOC. 20)

This matter comes before the Court upon the *Debtors' Motion for an Order Scheduling Expedited Hearings on First Day Motions* (the “Expedited Hearing Motion”) (Doc. 20), filed on January 2, 2023, by TOMS King (Ohio) LLC and its debtor affiliates, as debtors and debtors in possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's U.S. taxpayer identification number, are: TOMS King (Ohio) LLC (9126); TOMS King LLC (4221); TOMS King (Illinois) LLC (9171); TOMS King (Penn.) LLC (7148); TOMS King (Virginia) LLC (8226); TOMS King (Ohio II) LLC (4081) and TOMS King III LLC (No EIN Number). The Debtors' corporate headquarters is located at 220 N. Smith Street, Suite 305, Palatine, IL 60067.

Cases"). Through the Expedited Hearing Motion, the Debtors seek an order scheduling an expedited hearing on the following motions (the "First Day Motions"):

- a. **Motion for Joint Administration:** *Debtors' Motion for Entry of an Order (I) Directing Joint Administration of Their Related Chapter 11 Cases and (II) Granting Related Relief* (Doc. 3)
- b. **Motion to File Consolidated Creditor Matrix:** *Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to (A) Prepare A Consolidated List of Creditors in Lieu of Submitting A Formatted Mailing Matrix, (B) File A Consolidated List of the Debtors' Thirty Largest Unsecured Creditors, and (C) Redact Certain Personally Identifiable Information for Individual Creditors, (II) Approving the Form and Manner of Notifying Creditors of Commencement of these Chapter 11 Cases, and (III) Granting Related Relief* (Doc. 6)
- c. **Schedules Deadline Extension Motion:** *Motion for an Order Extending Debtors' Time to File Schedules of Assets and Liabilities and Statement of Financial Affairs* (Doc. 7)
- d. **Claims Agent Retention Motion:** *Debtors' Application for Entry of an Order, Pursuant to 28 U.S.C. § 156(C), Authorizing the Retention and Appointment of Omni Agent Solutions, Inc. as Claims and Noticing Agent for the Debtors, Nunc Pro Tunc to the Petition Date* (Doc. 8)
- e. **Taxes Motion:** *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing, but not Directing, the Payment of Certain Prepetition Taxes and Fees and (II) Granting Related Relief* (Doc. 9)

- f. **Utility Motion:** *Debtors' Motion for Entry of Interim and Final Orders (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Utility Services, (II) Determining Adequate Assurance of Payment for Future Utility Services, (III) Establishing Procedures for Determining Adequate Assurance of Payment, and (IV) Granting Related Relief*(Doc. 10)
- g. **Insurance Motion:** *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing, but not Directing the Debtors to (A) Pay Their Obligations Under Insurance Policies Entered Into Prepetition, (B) Renew, Supplement, Modify, or Purchase Insurance Coverage and Pay Premiums Thereunder, and (II) Granting Related Relief*(Doc. 11)
- h. **Employee Wages Motion:** *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing, but not Directing, the Debtors to (A) Pay Prepetition Employee Wages, Salaries, and Other Compensation, and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief*(Doc. 12)
- i. **Cash Management Motion:** *Debtors' Motion for Entry of Interim and Final Orders Authorizing the Debtors to (A) Continue to Operate Their Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, and (D) Granting Related Relief*(Doc. 13)
- j. **PACA/ PASA Motion:** *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Honor and Continue Pre-Petition Practices with Certain Critical Vendors; (II) Authorizing the Payment of Prepetition Claims Arising Under the Perishable Agricultural Commodities Act and The Packers and*

Stockyards Act of 1921, and (III) Authorizing Banks to Honor and Process Checks and Electronic Transfer Requests Related to the Foregoing (Doc. 14)

- k. **Cash Collateral Motion:** *Debtors' Motion for Entry of Interim and Final Orders (A) Authorizing the Use of Cash Collateral, (B) Providing Adequate Protection, (C) Modifying the Automatic Stay, and (D) Granting Related Relief* (Doc. 15)

The Court has considered the information in the Debtors' First Day Motions and finds that it is appropriate to grant the Motion for Expedited Hearing.

It is therefore ORDERED as follows:

1. The Court shall conduct an expedited hearing on the first Day Motions. The expedited hearing shall be held on **January 4, 2023, at 2:00 p.m.**, Honorable Alan M. Koschik, United States Bankruptcy Court for the Northern District of Ohio, Eastern Division (Akron), John F. Seiberling Federal Building & U.S. Courthouse, 260 U.S. Courthouse, 2 South Main Street, Akron, Ohio 44308. Parties wishing to have their views heard on the First Day Motions must attend the expedited hearing either in person or by telephone, consistent with Judge Koschik's *Notice of Resumed In-Person Hearing Procedures* dated June 15, 2021 as posted on the Court's website (www.ohnb.uscourts.gov). Parties seeking telephonic participation must dial (866) 434-5269; access code: 2469740#. Parties seeking in-person attendance must notify Judge Koschik's courtroom deputy at (330) 252-6134 by 3:00 PM (prevailing eastern time) the day prior to the scheduled hearing.
2. A copy of the First Day Motions, this Order, and the *Notice of Expedited Hearing on First Day Motions of the Debtors* shall be served via email, or if email is unavailable, via overnight delivery or other overnight express mail service to be

received by the parties set forth in the Expedited Hearing Motion. The Debtors may also serve the foregoing documents by facsimile or email if that method is available for a creditor or party in interest.

3. The Debtors will file a Certificate of Service with the Court showing the date of the service of the First Day Motions, this order, and the *Notice of Expedited Hearing on Certain First Day Motions* and otherwise evidence compliance with the service requirements set forth herein.

IT IS SO ORDERED.

SUBMITTED BY:

/s/ Richard K. Stovall

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*Proposed Counsel to the Debtors
and Debtors in Possession*

Copies of order to be served by Debtors in accordance with terms of order.